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ABSTRACT

Restricted to books on freedom of speech, this annotated bibliography offers a list of 38 references pertinent to the subject. Also included is a list of 18 ERIC documents on freedom of speech, and information on how to order them. (JC)

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FREEDOM OF SPEECH

A Selected, Annotated Basic Bibliography

Prepared by

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March 1987

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This bibliography is restricted to books on freedom of speech. Those who wish to add materials from periodicals are referred to the standard periodical indexes, the Index to Legal Periodicals, and the bibliography published annually in SCA's Free Speech Yearbook. Those works that are revised regularly to keep pace with changing law are given an open-ended "see latest edition" designation rather than a specific publication date.

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Ashley, Paul P. Say It Safely. Seattle: University of Washington Press, (see latest edition).
Popular guide to avoiding defamation suits and other legal actions based on what one says. Covers various areas, such as advertising, privacy, retractions, broadcasts, use of quotations, and copyright controls.

Barron, Jerome A. Freedom of the Press for Whom? The Right of Access to Mass Media. Bloomington: Indiana University Press, 1973.
Law Professor Barron believes that government should affirmatively promote freedom of speech by compelling newspapers, television stations, etc. to grant access to those who hold minority views.

Barron, Jerome A., and Dienes, C. Thomas. Handbook of Free Speech and Free Press. Boston: Little, Brown, 1979.
Barron and Dienes write for lawyers, but the result is an excellent reference on contemporary issues of freedom of expression.

Bittner, John R. Broadcast Law and Regulation. Englewood Cliffs, N.J.: Prentice-Hall, 1982.
Bittner's text and reference work concerns government control of broadcasting in the United States. Issues of freedom of expression are included.

Bosmajian, Haig A., ed. Obscenity and Freedom of Expression. New York: Burt Franklin, 1976.
A comprehensive compendium of court cases on obscenity from English and American law. Includes issues concerning books, pictures, film, theatre, broadcasting, and education.

Boyer, Paul S. Purity in Print: The Vice-Society Movement and Book Censorship in America. New York: Charles Scribner's Sons, 1968.
This well-documented work surveys the history of censorship in America from the beginning of the vice society movement of the mid-nineteenth century to the 1930's.

Brant, Irving. The Bill of Rights: Its Origin and Meaning. Indianapolis: Bobbs-Merrill, 1965.
Brant, biographer of James Madison, has written an essential reference on the Bill of Rights. Includes much valuable information for First Amendment scholars.

Carter, T. Barton, Franklin, Marc A., and Wright, Jay B. The First Amendment and the Fifth Estate: Regulation of Electronic Mass Media. Mineola, N.Y.: The Foundation Press, 1986.
A useful text and reference on the regulation of electronic media in the United States.

Chafee, Zechariah, Jr. Free Speech in the United States. Cambridge, Mass.: Harvard University Press, 1964.
Chafee's First Amendment classic covers free speech controversies in the United States from World War I to 1940, with an emphasis upon sedition prosecutions. Includes Chafee's theory of free speech.

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Emerson, Thomas I. The System of Freedom of Expression. New York: Random House, 1970.
A comprehensive subject-area analysis of contemporary free speech problems set in the context of Emerson's expression-action theory of freedom of expression.

Ernst, Morris L., and Schwartz, Alan U. Censorship: The Search for the Obscene. New York: Macmillan, 1964.
A history and analysis of the "obscenity" controversy from pre-Comstock to post-Roth.

Gardiner, Harold G. Catholic Viewpoint on Censorship. Garden City, N.Y.: Doubleday, 1958.
Father Gardiner's study is a standard work on why Catholics believe in the censorship of sexual materials. (For a rebuttal, see Haney, below.)

Haight, Anne Lyon, and Grannis, Chandler B. Banned Books: 387 B.C. to 1978 A.D. 4th ed. New York: R. R. Bowker, 1978.
A standard reference on book banning through the years. This edition includes an essay by Charles Rembar on "Censorship in America: The Legal Picture."

Haiman, Franklyn S. Speech and Law in a Free Society. Chicago: University of Chicago Press, 1981.
In this significant work, Haiman develops his libertarian theory of freedom of expression.

Haney, Robert W. Comstockery in America: Patterns of Censorship and Control. Boston, Beacon Press, 1960.
Censorship opponent Haney wrote this book in reply to Gardiner's "Catholic view" listed above.

Hemmer, Joseph J., Jr. The Supreme Court and the First Amendment. Westport, Conn.: Praeger, 1986.
A study of how the U.S. Supreme Court has addressed a variety of free speech issues, such as academic freedom, libel, privacy, obscenity, fair trial, and broadcasting.

Hentoff, Nat. The First Freedom: The Tumultuous History of Free Speech in America. New York: Delacorte Press, 1980.
Hentoff's readable history ranges from the licensing of the press in sixteenth century England to the 1977-78 controversy over the rights of Nazis to march in Skokie, Illinois.

Holsinger, Ralph L. Media Law. New York: Random House, 1987.
Journalism professor Holsinger surveys issues of press freedom including sedition, defamation, privacy, free press/fair trial, broadcasting, commercial speech, and copyright.

Kahn, Frank J., ed. Documents of American Broadcasting. 4th ed. Englewood Cliffs, N.J.: Prentice-Hall, 1984.
Leading statutes, FCC regulations, and court decisions concerning broadcast regulation; includes issues of freedom of expression. Look for latest edition.

Kane, Peter E. Murder, Courts, and the Press: Issues in Free Press/Fair Trial. Carbondale: Southern Illinois University Press, 1986.
Kane examines the tension between the Constitution's guarantee of a free press and a fair trial by raising questions about how the press sensationalized five murder trials.

Lawhorne, Clifton O. The Supreme Court and Libel. Carbondale: Southern Illinois University Press, 1981.
Scholarly study of the evolution of defamation law in the United States.

Levy, Leonard W. Emergence of a Free Press. New York: Oxford University Press, 1985.
Levy's latest version of his classic study of the history and original understanding of the First Amendment, originally published as Legacy of Suppression in 1960, is must reading for students of free speech.

Levy, Leonard W., ed. Freedom of the Press from Zenger to Jefferson. Indianapolis: Bobbs-Merrill, 1966.
Important American statements on press freedom, beginning with Franklin's "An Apology for Printers" (1731) and ending with an 1823 Jefferson document. See the companion volume by Nelson.

Levy, Leonard W. Treason Against God: A History of the Offense of Blasphemy. New York: Schocken Books, 1981.
Levy's history of the struggle for religious liberty in the West focuses upon how dissenting opinion concerning religion has been attacked and suppressed by the forces of established church and state.

Lofton, John. The Press as Guardian of the First Amendment. Columbia, S.C.: University of South Carolina Press, 1980.
Lofton's study of how well the American press has defended free speech rights since colonial days concludes that newspapers have defended their own interests, but, as a rule, not the rights of dissenters.

Meiklejohn, Alexander. Political Freedom: The Constitutional Powers of the People. New York: Oxford University Press, 1965. (Galaxy Book, paperbound.)
Meiklejohn's Free Speech and Its Relation to Self-Government (1948) is reprinted here, together with several of his essays. Meiklejohn's theory of the First Amendment is explained.

Nelson, Harold L., ed. Freedom of the Press from Hamilton to the Warren Court. Indianapolis: Bobbs-Merrill, 1967.
This anthology of 51 documents, including selected essays and court opinions from 1801 to 1964, is a companion to Levy's Freedom of the Press from Zenger to Jefferson.

Nelson, Harold L., and Teeter, Dwight L., Jr. Law of Mass Communications: Freedom and Control of Print and Broadcast Media. Mineola, N.Y.: Foundation Press, (see latest edition).
This media law text emphasizes what professional journalists should know on topics ranging from defamation to the regulation of broadcasting.

O'Neil, Robert M. Classrooms in the Crossfire: The Rights and Interests of Students, Parents, Teachers, Administrators, Librarians, and the Community. Bloomington: Indiana University Press, 1981.
In this study of contemporary free speech issues in public education, O'Neil urges strong support for the Bill of Rights in the public schools.

Paul, James C.N., and Schwartz, Murray L. Federal Censorship: Obscenity in the Mail. New York: The Free Press of Glencoe, 1961.
A history and analysis of the efforts of the U.S. Government to censor "obscenity" in the mails. Includes a discussion of how postal censorship affects individual freedom.

Pember, Don. R. Mass Media Law. Dubuque: Wm. C. Brown, (see latest edition).
Pember's text is sound in its coverage of the basics of media law; includes discussion of topics such as defamation, privacy, free press/fair trial, copyright, and broadcasting.

Pool, Ithiel de Sola. Technologies of Freedom. Cambridge: Belknap Press of Harvard University Press, 1983.
An important study of how new technologies have resulted in growing government control over freedom of expression, thereby creating a growing threat of prior restraint and censorship in society.

Preston, William, Jr. Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933. Cambridge, Mass.: Harvard University Press, 1968.
Preston studies the "red scare" of 1919-20 which resulted in the denial of civil liberties to many "radical" groups in the United States.

Schauer, Frederick F. The Law of Obscenity. Washington, D.C.: Bureau of National Affairs, (see latest edition).
Legal scholar Schauer has written for lawyers; however, his analysis of American obscenity law is clear and useful to others as well. Updated periodically.

Siebert, Frederick S. Freedom of the Press in England, 1476-1776: The Rise and Decline of Government Control. Urbana: University of Illinois Press, 1952.
Siebert's study helps explain the development of the common law concerning free speech, and how that tradition has influenced America's interpretation of the Bill of Rights.

Smith, James Morton. Freedom's Fetters: The Alien and Sedition Laws and American Civil Liberties. Ithaca, N.Y.: Cornell University Press, 1956.
The definitive study of the Alien and Sedition Acts of 1798.

Tedford, Thomas L. Freedom of Speech in the United States. New York: Random House, 1985.
This text and reference, written for the non-lawyer, surveys free speech history, and covers issues and cases in traditional areas such as sedition, defamation, obscenity, controls over time/place/manner, free press/fair trial, and broadcasting. Includes numerous case summaries.

Tedford, Thomas L., Makay, John J., and Jamison, David L., eds. Perspectives on Freedom of Speech: Selected Essays from the Journals of the Speech Communication Association. Carbondale: Southern Illinois University Press, 1987.
Seventeen free speech essays organized by five perspectives: historical, philosophical, and theoretical; legal; case studies; and ethical. Includes two annotated bibliographies, one on free speech, and the other on communication ethics

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ERIC CONNECTION by Penny Demo, SCA National Office

Documents on freedom of speech can also be obtained from ERIC(Educational Resources Information Center). The following list is representative of the kinds of ERIC reports that are available in paper copy or microfiche. For a brochure on how to use ERIC, write SCA, 5105 Backlick Rd., Bldg. E, Annandale, VA 22003.

Bellando, Edourado. War Coverage: The Case of the Falklands. Freedom of Information Report, 1984, 7p. ED 246 470. A classic example of how a government manages news in wartime.

Bovee, Warren G. Horace Greeley and the Newspaper Forum Function: A New Source for the Social Responsibility Theory. 1983, 29p. ED 235 483. Greeley's "open forum" in the Tribune (presenting all sides of an issue) is a model and precursor of the social responsibility theory of the press.

Click, J. William; Kopephaver, Lillian. Principals' and Newspaper Advisers' Attitudes toward Freedom of the Student Press in the United States. 1986, 23p. ED 269 807.

Eveslage, Thomas. The First Amendment: Free Speech & a Free Press. A Curriculum Guide for High School Teachers. 1985, 76p. ED 261 929.

Griswold, Bill. Communicative Competence and Commercial Speakers: Applying Habermas in a First Amendment Issue. 1983, 28p. ED 237 980. Explores Habermas's "ideal speech situation" in the "commercial speaker" issue raised in First National Bank of Boston v. Bellotti.

Hines, Barbara; Saville, Anita. Editors' and Advisers' Perceptions of Scholastic Press Freedom in Maryland Public Schools. 1984, 40p. ED 244 289.

Katsh, Ethan. Freedom of the Press: A Simulation of Legal Issues in Journalism. (Kit), 1983, 64p. ED 251 338.

Neal, John; Neal, Kay. The Development of Protection of Political Expression in Wisconsin Supreme Court Cases: 1848-1925. 1983, 31p. ED 250 729.

Nord, David Paul. The Authority of Truth: Religion and the John Peter Zenger Case. 1984, 27p. ED 244 276.

Parker, Richard. Free Speech in the Military: A Status Report. 1983, 14p. ED 240 655. Two recent Supreme Court decisions have emasculated First Amendment guarantees for military personnel.

Sanders, Wayne. Curbing the Employer's Power to Suppress Communication: A Review of State and Federal Statutes Protecting the Communication of Private Sector At Will Employees. 1984, 32p. ED 240 630.

Sasse, Mary. The First Amendment, Schools and the Press: A Current Issue. 1985, 9p. ED 267 439. As far as schools are concerned, the courts have interpreted freedom of speech and press in a limited way, especially in regard to the removal of controversial books from school libraries.

Sherer, Michael. Photographic Invasion of Privacy: An Old Concept with New Meaning. 1983, 56p. ED 236 626.

Stevenson, James A. America's Public Classroom: The Courts and Radical In-Class Utterances. 1983, 17p. ED 248-590. There's no guarantee that radical teachers will ever be able to express their views safely.

Stoner, Mark R. Free Speech at Berkeley: "University as Factory," An Argument from Analogy. 1984, 13p. ED 249-546.

Sweeney, Barbara. The Marketplace of Ideas: An Economic Analogy for Freedom of Speech. 1984, 42p. ED 243 149. Traces the "marketplace of ideas" metaphor historically, through legal language and Supreme Court opinions—("that citizens in a democracy are well served if opinions of all kinds, accurate or inaccurate are freely circulated").

Weaver, David; Buddenbaum, Judith. The Press and Government Restriction: A 13-Year Update of a Cross-National Study. 1983, 30p. ED 236 582.

Woods, L. B. And Others. Keeping the Devil Away from Miss Jones: Censorship in Academia, 1976-1980. 11p. 1981. ED 242 237. Obscenity and pornography formed the basis for most censorship attacks at the college level.